

# HOUSE BILL REPORT

## HB 1735

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**As Reported by House Committee On:**  
Economic Development, Agriculture & Trade

**Title:** An act relating to exempting limited water storage facilities from permit requirements.

**Brief Description:** Exempting limited water storage facilities from permit requirements.

**Sponsors:** Representatives Hunt, Buck, Williams, Linville, Kenney, Walsh, Wallace, B. Sullivan, Dickerson, McCoy, Chase, Simpson and Roach.

**Brief History:**

**Committee Activity:**

Economic Development, Agriculture & Trade: 1/10/06, 2/1/06 [DP2S].

**Brief Summary of Second Substitute Bill**

- Exempts certain rain barrels and similar facilities, and the use of water from them, from the permit provisions of the water code.

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### HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 13 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Appleton, Blake, Chase, Clibborn, Grant, Kilmer, McCoy, Morrell, Quall, P. Sullivan and Wallace.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Kristiansen, Ranking Minority Member; Bailey, Buri, Dunn, Haler, Holmquist, Kretz, Newhouse and Strow.

**Staff:** Jason Callahan (786-7117).

**Background:**

With certain exceptions, new rights to use surface or ground water must be established according to the water right permit system. The water code requires reservoir permits for both surface reservoirs for water and for the storage of water in an underground formation for subsequent use as part of an underground artificial storage and recovery project. A water right permit, called a "secondary" permit, is also required for the use of the water stored in a surface reservoir.

### **Summary of Second Substitute Bill:**

A reservoir and secondary permit is not required for the users of rain barrels, cisterns, or similar facilities that are used for capturing rain water from impervious surfaces if the water is intended to be put to beneficial use on the property where it was collected and the total storage capacity of the storage container is less than 1,000 gallons.

Storage facilities with a capacity greater than 1,000 gallons may be used to collect rainwater if the collection is consistent with rules adopted by the Department of Ecology (Department). Prior to adopting final rules, the Department must initiate a number of pilot projects to gauge the feasibility of area-specific permits and the impact on the natural hydrologic system. In selecting areas for the pilot projects, the Department must take into consideration annual rainfall and population density, and give preference to areas that can most benefit from rainwater collection. The pilot areas must, however, include an area where rainwater collection has been approved as a means for accomplishing stormwater control and an area where water availability is limited due to saltwater intrusion. The pilot projects must be completed by the end of 2007.

Both the pilot rules and permanent rules adopted by the Department must establish application procedures, specify the criteria under which a storage facility must adhere in order to qualify for the exemption, and contain a mechanism that allows the Department to prevent the impairment of senior water rights.

Permission to use a rainwater collection system does not amount to a water right.

### **Second Substitute Bill Compared to Original Bill:**

The original bill exempted all rainwater collection systems that had a volume of under 10,000 gallons.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) The state should find a way to help citizens use rain barrels and other rainwater collection devices without having to require a permit or turn the state's water policy upside down. There is an increase in the demand of rainwater collection by the general public, and in some areas of the state, rainwater is the only viable source of fresh water.

Encouraging the collection and reuse of rainwater is a positive step for the state to take. Additional rainwater collection will lead to a decrease in stormwater discharges and a decrease in the pumping and use of other fresh water sources. A more aggressive promotion of rainwater collection will help the state meet its sustainable economic and ecological needs.

The gallon limit in the bill is good because people should not be able to just collect any amount they want. Large collection systems could have a cumulative impact of stream and groundwater systems.

(With concerns) A gallon limit on collection systems is less important than the actual type of collection system that is used. Collection systems also should not be limited to collection from impervious surfaces, since retention ponds can generate the same benefits as rain barrels and cisterns.

Landowners with collection systems over the maximum gallon threshold should not be required to obtain a permit. This outcome would lead to many existing useful collection systems becoming out of compliance. A permitting system would foreclose the option of recycling rainwater for industrial processing.

The cumulative impact of rainwater collection must be analyzed to see if there is an impact on downstream flows.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Hunt, prime sponsor; Ken Slattery, Washington Department of Ecology; and Stan Bowman, American Institute of Architects Washington Council.

(With concerns) Scott Hazlegrove, Cadman, Inc.; Kathleen Collins, Washington Water Policy Alliance; and Dawn Vyvyan, Yakama Nation.

**Persons Signed In To Testify But Not Testifying:** None.